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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,588	06/25/2003	Douglas H. Rollender	29250-000203/US/COA	1441

30593 7590 05/03/2010  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER
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MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/03/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/602,588</p>	<p><b>Applicant(s)</b> ROLLENDER, DOUGLAS H.</p>	
	<p><b>Examiner</b> INDER P. MEHRA</p>	<p><b>Art Unit</b> 2617</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 13-28 and 31.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-12,29,30 and 32.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Inder P Mehra/  
Examiner, Art Unit 2617

/Dwayne Bost/  
Supervisory Patent Examiner  
Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

Argument by Applicant

Applicant argues that "As indicated during the interview, the "received data" in this portion of the claim is actual data from an end user - not an identification number of the user (e.g., ESN, MSIN). For example, paragraph [0029] explicitly states: [0029]The first portion of the modified first permanent identifier contains the routing information to the home system 16, but the second portion or a part thereof, which normally includes the user identification number pre-assigned by the home system 16, includes data from the end user 2.

The "second portion that includes one portion of the received data" of claim 1 cannot possibly be and ESN or MSIN number because claim 1 explicitly states that "the second portion not being an identification number of a user."

Response by Examiner

In response, Examiner states that limitation "the second portion not being identification number of a user" which was rejected under 112 first paragraph because it was alleged that it was not mentioned as such in specification, para; [0029], has been resolved. This limitation is data only and not identification of end user.

Argument by Applicant

Applicant argues that although the rejection to claims 1-12, 29-30 and 32 under 35 U.S.C. §103(a) was not directly discussed during the interview, Applicants noted during the interview that none of the cited references teach replacing portions of the first and second permanent identifiers that normally include an identification number of a user with received data. In other words, each of the first and second permanent identifiers include data received from an end user. Further, Applicant argues that specification paragraph: [0029] explicitly states: The first portion of the modified first permanent identifier contains the routing information to the home system 16, but the second portion or a part thereof, which normally includes the user identification number pre-assigned by the home system 16, includes data from the end user 2. The "second portion that includes one portion of the received data" of claim 1 cannot possibly be and ESN or MSIN number because claim 1 explicitly states that "the second portion not being an identification number of a user."

Applicant, further, argues that Billstrom fails to overcome these deficiencies as well. For example, column 1, lines 23-28 of Billstrom states "communication of data to or from the communication station is effectuated without necessitating that the communication station be uniquely identified with a permanent identifier unique to the communication station." In other words, Billstrom discloses a system that provides a mobile station with anonymous access to packet radio services. The system in Billstrom that allows the mobile station to remain anonymous does not somehow suggest forming first and second permanent identifiers to include actual data that is not identification numbers

Response by Examiner

Billstrom teaches communication of data to or from the communication station is effectuated without necessitating that the communication station be uniquely identified with a permanent identifier unique to the communication station (same as not being identification information associated with the mobile communication system), refer to col. 1 lines 23-28). Since data is not identification number of user, is just a data in general, as claimed.

In light of above explanation, arguments by applicant are not persuasive.